

Commissioner for Patents
Page 15

Serial No.: 09/405,094

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

Drawings

The Office Action alleges that Fig. 11 is not supported by drawings. A copy of the Fig. 11 originally filed with this application is attached hereto as appendix A. No new matter is introduced.

Claim Rejections -35 USC § 112

Claims 1-27 were rejected under 35 USC 112, second paragraph, on the grounds that claims dependent on claim 1 must refer to the method using a positive article. Claims 2-27 are correspondingly amended and the rejection is traversed.

Claims 29-40 and 42-45 were rejected on the same grounds. Those claims are correspondingly amended and the rejections are traversed.

Claims 2 and 6 were likewise rejected for certain insufficient antecedents. Those claims are amended to provide sufficient antecedent for all terms recited in the claims and the rejection of claims 2 and 6 is traversed.

Claim Rejections -35 USC § 103

The Office Action rejected claims 1, 28 and 41 under 35 U.S.C. 103(a) as being unpatentable over Lee et al. in view of Hayward et al. Applicant respectfully disagrees.

Hayward et al. is Assignee's issued United States Patent No. 6,222,848. Hayward et al. was commonly owned at the time the instant invention was made.

Lee et al. teach an apparatus and method for fault isolation and bypass in a dual ring communication system that provides a reconfiguration unit capable of attachment to a dual ring communication system having a plurality of reconfiguration units. The reconfiguration unit has a single adapter to the dual ring communication system and includes isolation and wrap switches capable of isolation and bypass of faults. A reconfiguration unit having a single adapter to the dual ring communication system detects failures on the ring and generates a failure frame which if not received from the ring causes the reconfiguration unit to enter a downstream wrap state. The reconfiguration unit enters

Commissioner for Patents
Page 16

Serial No.: 09/405,094

an upstream wrap state if a failure frame is received from the nearest downstream reconfiguration unit.

Lee et al. therefore teach that special reconfiguration units are connected to a dual ring communication system. This teaches directly away from the invention claimed in claims 1 and 28.

With respect to claim 1, a system is claimed wherein each access point in a dual counter rotating ring comprises a topology maintenance protocol; a frame forwarding process; and an address learning process. Lee et al. fail to teach or suggest that each access point in the dual counter rotating ring includes any of a topology maintenance protocol or an address learning process.

It is established law that in order to render an invention obvious, the subject matter as a whole must have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains, given the teachings of one or more prior art references and the common general knowledge and explicit contain suggestions contained in the references that they should be combined.

Lee et al. teach reconfiguration units connected to dual ring communication systems.

There is nothing in Lee et al. that could lead one of ordinary skill in the art to the novel system and methods claimed in claims 1 and 28. That which is neither taught nor suggested in a prior art reference cannot be considered obvious in view of that reference.

As noted above, Lee et al. fail to teach that each access point in a dual counter rotating ring comprises a topology maintenance protocol entity for monitoring individuals links of the dual counter rotating ring, discovering the active topology of the dual counter rotating ring, communicating topology changes to other access points in the dual counter rotating ring, and informing frame forwarding and learning processes of the topology to enable failover to a redundant path. Indeed, Lee et al. fail to teach learning processes that learn the topology of the network to enable failover to a redundant path prior to error detection. Furthermore, Lee et al. fail to teach an address learning process for

Commissioner for Patents
Page 17

Serial No.: 09/405,094

inspecting a source medium access control address in each received frame to learn the shortest path route for each MAC address.

Lee et al. teach that only reconfiguration units make use of a ring map that contains the address of each active device attached to the ring, including reconfiguration units, in ring sequence order. The ring map is generated during a neighbor notification process which is initiated by an Active Monitor on the ring. By monitoring the neighbor notification process reconfiguration unit 20 can construct the ring map of addresses in ring sequence order. While the ring map contains address information in ring sequence order it does not identify the type of device at each address. Therefore each reconfiguration unit carries out the steps to identify the location of addresses of reconfiguration units in the ring map (column 18, lines 54-67). It is therefore clear that Lee et al. teach directly away from an address learning process in each access point in a dual counter rotating ring.

The rejection of claim 1 is thereby traversed.

The same arguments apply to claim 28 and the rejection of claim 28 is likewise traversed.

With respect to claim 41, claim 41 is cancelled and claim 45, deemed allowable, is amended to include the subject matter of claim 41 and claim 44. The rejection of claim 41 is thereby traversed.

In view of the amendment to claim 45, the rejection of claims 41 and 49-50 is likewise traversed.

Although the Office Action failed to address claims 42 and 43, it is assumed that they were intended to be rejected. Nonetheless in view of the amendment of claim 45, claims 42 and 43, which have been amended to depend from claim 45, are also in a condition for allowance.

Allowable Subject Matter

The Office Action indicated that claims 2-27, 29-45, 45-48 and 51-55 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. It is assumed that claims 2-27, 29-40, 45-48 and 51-55 was intended.

Commissioner for Patents
Page 18

Serial No.: 09/405,094

In view of the amendments made to overcome rejections under 35 USC 112, second paragraph, and for reasons set forth above in detail and the amendment to claim 45, each of claims 1-40 and 42-55 which remain pending in this application are considered to be in a condition for immediate allowance. Favourable reconsideration and early issuance of a Notice of Allowance are therefore requested.

Respectfully submitted,
PETER M. K. COTTREAU et al.

By 
Max R. Wood
Registration No. 40,388
Attorney for Applicant

MRW/ma
Address: OGILVY RENAULT
1981 MCGILL COLLEGE AVENUE
SUITE 1600
MONTREAL, QUE
H3A 2Y3